

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Montana State Office

5001 Southgate Drive, P.O. Box 36800

Billings, Montana 59107-6800

<http://www.mt.blm.gov/>

In Reply To:  
6840/1610(923)P

December 18, 2003

EMAIL TRANSMISSION - 12/19/03  
Instruction Memorandum No. MT-2004-012  
Expires: 9/30/05

To: State Management Team

From: State Director

Subject: Backlog Endangered Species Act Consultation

At the last State Management Team (SMT) meeting, we had a discussion about the backlog Endangered Species Act (ESA) consultation and what will be needed to complete the project by early FY 2005. This Instruction Memorandum (IM) describes the initial tasks needed from each Field Office. If a Resource Management Plan (RMP) revision is planned within the next year, then these steps will not be necessary for backlog consultation, but will be very helpful in starting the process for the new RMP. For the steps listed below, both Gayle Sitter (Montana State Office BLM) and Shawn Sartorius (Fish and Wildlife Service) will be available to assist the Field Office ID Team as needed.

#### Items needed:

1. Each specialist (oil and gas, range, recreation, wildlife, etc.) should review the present Land Use Plan (LUP) and current management guidelines and procedures that we are operating under. For each listed species, the specialist should list practices included in the plan or guidelines that help protect the species, maintain the current habitat, promote or develop new habitats, or reduce the potential impacts that were mentioned in the listing process.

#### Example: Bald Eagle

Nest season restrictions listed in RMP

Powerline rights-of-way issued with wire spacing and grounding restrictions.

Recreation has seasonal or timing restrictions in place for outfitters on the river.

Range management in RMP has identified several projects or areas that will restore cottonwood stands along the river (potential future roost/nest trees).

Fish have been stocked in several newly constructed reservoirs.

2. The Field Office needs to prepare a discussion and maps of current habitat status. This will include present habitat and important sites for each species (nesting areas, mating areas, winter roosts, etc.). Historic habitat or potential habitat may be mapped as well, based on local knowledge and past documented presence.
3. Schedule a time before **March 30, 2004**, when Shawn Sartorius (406-247-7366) and Gayle Sitter (406-896-5024) can visit the office and review the documentation with the ID team. At this meeting, we will discuss options for the preparation of an effects screen and a Biological Assessment if needed.

The above steps represent the initial tasks for the backlog ESA consultation process and will help us formulate a strategy to complete the consultation.

We have included a table with the list of species for each planning area (Attachment 1).

A second table that lists each species, preferred habitat, and threats is also attached (Attachment 2).

Please direct questions or comments to Gayle Sitter, Fisheries and T & E Biologist, at 406-896-5024.

Signed by: A. Jerry Meredith, Associate

Authenticated by: Janie Fox (MT920)

#### 2 Attachments

- 1-List of Species for Each Planning Area (3 pp)
- 2-List of Species, Preferred Habitat, and Threats (4 pp)

#### Distribution

Asst. FM Harve-1

Asst. FM Glasgow-1

<b>RMP</b>	<b>SPECIES LISTED IN RMP</b>	<b>ADDITIONAL SPECIES</b>	<b>PRELIMINARY NOTES ON T&amp;E MANAGEMENT IN PLAN</b>	<b>NEW OR CHANGED CIRCUMSTANCES</b>	<b>BEGINNING RMP REVISION</b>
Dillon RMP (new—formerly Dillon Management Framework Plan (MFP))	At time of MFP, the following species were listed: · Whooping crane · Bald Eagle · Grizzly Bear	Species listed since MFP: · Gray wolf · Canada Lynx · Ute Ladies' Tresses	New RMP	New information · Grizzly Bear outside recovery zones · New information for Bald Eagles (powerline siting) · Lynx Conservation Assessment and Strategy (LCAS)	New RMP: Will finish in FY 2005
Upper Missouri Breaks Monument RMP (new)	New RMP—formerly covered in JVP and West Hi Line	· Bald Eagle · Pallid sturgeon	· New RMP	New RMP	New RMP: Will finish in FY 2005
Butte RMP Revision of Headwaters (1983) (south)	· Grizzly Bear · Gray Wolf · Bald Eagle · Peregrine Falcon (since delisted)	· Canada Lynx · Ute Ladies' Tresses	· Plan references Grizzly Bear Recovery Plan	· Grizzly Bear outside recovery zones · New info for Bald Eagles · LCAS	FY 2004 (through contract)
Powder River (1984)	· Peregrine Falcon (since delisted) · Black-footed Ferret · Bald Eagle	· Piping Plover · Interior Least Tern · Pallid Sturgeon	· Plan eliminated all T&E species use areas from further consideration for coal leasing through unsuitability criteria. · All other programs refer to project mitigation.	· New info for Bald Eagles	FY 2004 (combined with Big Dry)
Big Dry (1994)	· Bald Eagle · Whooping Crane · Peregrine Falcon (since delisted) · Piping Plover · Least tern · Black-footed ferret · Pallid Sturgeon		· Biological Assessment submitted to FWS in 1993; findings “may affect—beneficial” for Piping Plover and “is not likely to adversely affect” rest · Designate Piping Plover and ferret Areas of Critical Environmental Concern (ACEC) · O&G leasing stipulations for ferret, Least Tern, Piping Plover, Peregrine Falcon, Bald Eagle · Coal Bed Natural Gas amendment	· New info for Bald Eagles.	FY 2004 (combined with Powder River)
Headwaters North (Headwaters North (1983) revision	· Grizzly Bear · Gray Wolf · Bald Eagle · Peregrine Falcon (since delisted)	· Canada Lynx · Ute Ladies' Tresses · Black-footed Ferret		· Grizzly Bear outside recovery zones · New information for Bald Eagles · LCAS	FY 2005

Consult  
on plan  
during

<b>RMP</b>	<b>SPECIES LISTED IN RMP</b>	<b>ADDITIONAL SPECIES</b>	<b>NOTES ON T&amp;E MANAGEMENT IN PLAN</b>	<b>NEW OR CHANGED CIRCUMSTANCES</b>	<b>BEGINNING RMP REVISION</b>
Billings (1984)	Potential habitat for: · Bald Eagle · Peregrine Falcon (since delisted) · Black-footed Ferret	· Interior Least Tern · Gray Wolf · Piping Plover · Grizzly Bear		· New info on Bald Eagle	FY 2006
South Dakota (1985)	· Bald Eagle · Black-footed Ferret · Peregrine Falcon (since delisted) · Whooping Crane · Eskimo Curlew	· Interior Least Tern · Piping Plover · Pallid Sturgeon · Topeka Shiner · American Burying Beetle	· T&E species and their habitats would be given special consideration before any vegetation apportionment or land exchange projects	· New info on Bald Eagle	FY 2007
North Dakota (1987)	· Bald Eagle · Peregrine Falcon (since delisted) · Whooping Crane · Interior Least Tern · Black-footed ferret · Piping Plover	· Pallid Sturgeon · Western Prairie Fringed Orchid	· Applications for Permit to Drill (APD) reviewed for presence of T&E · Excluded about 175,000 acres from leasing/exchange or mining of coal due to WL concerns	· New info on Bald Eagle	FY 2008
West HiLine (1988)	· Bald Eagle · Peregrine Falcon (since delisted) · Grizzly Bear · Wolf · Black-footed Ferret · Piping Plover (potential habitat)	Present in these counties: · Pallid Sturgeon · Bull Trout · Canada Lynx	· One prairie dog town managed to provide habitat for associated species. T&E given priority if control is considered · In Sweetgrass Hills, use Rocky Mountain Front raptor guidelines, and apply site-specific guidelines to any new activity on existing wells that threatens to disrupt T&E raptor reproduction (1992 Record of Decision)	· New info on Bald Eagles · Grizzly Bear outside recovery zones	FY 2009
JVP (1988 & 1992)	· Bald Eagle · Peregrine Falcon (since delisted) · Least Tern · Black-footed Ferret · Gray Wolf · Piping Plover	· Canada Lynx · Grizzly Bear · Whooping Crane · Pallid Sturgeon	· Informal consultation on “no adverse” affect and “positive may” affect determinations	· New info on Bald Eagles · Grizzly Bear outside recovery zones	FY 2010

<b>RMP</b>	<b>SPECIES LISTED IN RMP</b>	<b>ADDITIONAL SPECIES</b>	<b>NOTES ON T&amp;E MANAGEMENT IN PLAN</b>	<b>NEW OR CHANGED CIRCUMSTANCES</b>	<b>BEGINNING RMP REVISION</b>
Garnet (1985)	<ul style="list-style-type: none"> <li>· Bald Eagle (only species currently using habitat)</li> <li>· Peregrine Falcon</li> <li>· Northern Rocky Mountain Wolf</li> <li>· Grizzly Bear</li> </ul>	<ul style="list-style-type: none"> <li>· Canada Lynx</li> <li>· Bull Trout</li> <li>· Ute Ladies' tresses</li> <li>· Water Howellia</li> </ul>	<ul style="list-style-type: none"> <li>· Lynx amendment is upcoming</li> <li>· Interim Bull Trout guidance incorporated by IM and State Director's letter</li> </ul>	<ul style="list-style-type: none"> <li>· Grizzly Bear outside recovery zones</li> <li>· New info on Bald Eagle</li> <li>· LCAS</li> </ul>	FY 2011

**Note:** The “Species with habitat in Montana counties (September 9, 2003) or habitat on BLM lands” information came from consultation on our last Statewide planning effort (August 2002). The September 9, 2003, county list was used where planning area boundaries didn't correspond to Field Office boundaries.

**Note:** Information (e.g., oil and gas stipulations) is not included unless something specific was mentioned in RMP body.

<b>Species</b>	<b>Habitat</b>	<b>Principal Threats</b>	<b>Examples of relevant management direction</b>
Bald Eagle	<p>Nesting: Forested riparian corridors of large rivers or lakes, usually within 1 mile of water.</p> <p>Roosting: Groves of large trees, often cottonwood or ponderosa pine, usually near rivers or lakes. Prefer protection from prevailing winds and weather.</p> <p>Foraging: eat primarily fish from lakes and rivers, also scavenge widely on wild or domestic carcasses, may also take waterfowl, ground squirrels, and rabbits.</p>	<p>Disturbance</p> <p>Habitat loss/degradation</p> <p>Electrocution/collision on power lines</p> <p>Collision with vehicles</p> <p>Pesticide contamination</p>	<p>Buffers for nesting, roosting, or foraging areas</p> <p>Aquatic or riparian management practices affecting food sources, nesting trees or structures and roosting sites</p> <p>Power line standards for prevention of raptor electrocution or collision</p> <p>Pesticide or herbicide application practices near aquatic or riparian habitats</p>
Bull Trout	<p>Cold water lakes, rivers, and streams. Water temperatures not exceeding 12 C. Low grade streams with loose, clean (sediment free) gravels are preferred. Streams should have stable channels and unaltered flow regimes. Early developmental stages are sensitive to extreme flow changes.</p>	<p>Dams or other impediments, especially in migration routes.</p> <p>Habitat isolation and fragmentation.</p> <p>Exotic predators and competitors (lake trout, brook trout).</p> <p>Forestry practices including road construction, log skidding, riparian tree harvest, clear-cutting, splash dams.</p> <p>Increased sedimentation.</p> <p>Increased water temperature.</p> <p>Livestock grazing (sedimentation and eutrophication).</p> <p>Irrigation diversion (entrainment, passage, increased temperatures).</p> <p>Road and railroad construction and maintenance.</p> <p>Mining effects on water quality.</p> <p>Riparian vegetation removal.</p> <p>Availability of large woody debris.</p>	<p>Adoption of salmonid conservation plans such as INFISH, PACFISH, or other.</p> <p>Standards for grazing, logging, road building, mining, railroads etc. in or near aquatic habitats</p> <p>Guidance for maintaining aquatic habitat structural features such as large woody debris</p> <p>Standards for impoundments or diversion structures</p> <p>Standards for application of chemicals in riparian areas</p>
Grizzly Bear	<p>Opportunistic, home range must provide food, cover, and denning habitat. Bears most often use remote wilderness areas, but may venture out into human altered habitats when food sources are present. Dense, unbroken forested areas are used as refugia. Denning occurs at high elevation on steep slopes in areas where deep snows accumulate and remain throughout the winter.</p>	<p>Direct human-caused mortality</p> <p>Forest management</p> <p>Bear habituation to human food sources</p> <p>High open road density</p> <p>Grazing management</p>	<p>Management of recreation that minimizes possibility of human encounters with bears including food storage orders or recommendations, garbage storage and removal</p> <p>Standards for removal of livestock carcasses</p> <p>Road density standards or guidance</p> <p>Grazing direction for type of stock or season of use</p> <p>Vegetation management affecting amount of forest or other vegetative cover</p>

<b>Species</b>	<b>Habitat</b>	<b>Principal Threats</b>	<b>Examples of relevant management direction</b>
Lynx	Rocky Mountain conifer forest. Most occurrences in moist Douglas fir and western spruce/fir forest from 4500' to 7000'. Habitats are generally characterized by having deep snows and dense populations of snowshoe hares. Secondary or linkage habitats and food sources may include dry Douglas fir forest or shrub step communities containing squirrel or jack rabbit populations.	Timber management Wildland fire management Recreation Roads and trails Livestock grazing Oil, gas, mineral, agricultural developments Trapping Predator control Illegal shooting Competition facilitated by human activities Vehicular collision Barriers to movement – highways, railways, utility corridors, ski areas, land ownership pattern Fragmentation of refugia Barriers to dispersal across shrub step habitats Habitat degradation by invasive plant species	Timber and fire management direction allowing for a heterogeneous mixture of coniferous forest including both early and late seral stages Winter over-the-snow recreation direction or standards Road density direction Livestock grazing type and timing Snow compaction standards or practices Linkage habitat identification or maintenance
Black-Footed Ferret	Prairie dog towns and complexes	Habitat fragmentation Habitat destruction Prairie dog poisoning Prairie dog shooting Artificial raptor perching opportunities on structures or power lines Predator control Exotic diseases of ferrets and prairie dogs	Any direction or practices affecting prairie dogs or prairie dog towns Prairie dog shooting programs, map availability, or promotion Guidance for siting power line or other structures that may allow for raptor perching in prairie dog towns
Pallid sturgeon	Swift waters of large, turbid, free-flowing rivers. Occurs in lower reaches of the lower Missouri, Yellowstone, and their larger tributaries.	Habitat loss – morphology, hydrology, temperature regime, cover, sediment/organic matter transport Dams, impediments Irrigation diversions Commercial harvest Pollution/contaminants – landfills, mines, sewage treatment plants, oil and gas well wastewater Hybridization	Chemical application in or near aquatic or riparian habitats Discharge of produced water from oil and gas operations Direction for prevention of entrainment in irrigation diversions or pumping operations

<b>Species</b>	<b>Habitat</b>	<b>Principal Threats</b>	<b>Examples of relevant management direction</b>
Piping plover	Nest on sandy or gravelly beaches along rivers or reservoirs. Prefer wide beaches with highly clumped vegetation and less than 5% total vegetation cover. Also nest in alkali wetlands.	Habitat loss – altered hydrology, morphology, absence of scouring floods that open nesting habitat Grazing Oil and gas development Salt mining in alkali wetlands Nest predation Wetland draining	Direction for maintenance of reservoir water level, spring discharges from dams that create nesting habitat Timing restrictions for grazing in nesting habitat Buffers for oil and gas development in nesting habitat, water quality standards or provisions for covering discharge water to prevent use. Predator control direction Guidance for restoration of alkali wetlands
Least tern	Nest on sandy or gravelly beaches along rivers or reservoirs.	Habitat loss – altered hydrology, morphology, absence of scouring floods that open nesting habitat Grazing Oil and gas development Nest predation	Direction for maintenance of reservoir water level spring discharges from dams that create nesting habitat Timing restrictions for grazing or recreation in nesting habitat Buffers for oil and gas development in nesting habitat, water quality standards or provisions for covering discharge water to prevent use. Predator control direction
Topeka shiner	Small, low order (headwater), prairie streams with good water quality and cool temperatures. Spawns primarily in silt-free sunfish nests but may use other silt-free spawning areas.	Habitat destruction, degradation, modification, and fragmentation resulting from siltation, reduced water quality, impoundment, stream channelization, and stream dewatering. Predation by exotic fishes.	Water quality standards for oil and gas, and mining. Riparian grazing standards that address siltation and nutrient inputs into streams Riparian vegetation management direction
Ute ladies'-tresses	Low elevation riparian meadows with moist soils near springs, lakes, or perennial streams. Occurs primarily in areas where the vegetation is relatively open and not overly dense, overgrown, or overgrazed.	Vegetation management Grazing management Oil and gas development Habitat loss due to development	Riparian grazing standards Herbicide application practices, buffers for herbicide application in wetlands Buffers for oil and gas in wetlands Wetland buffers for development of recreational sites, structures, powerlines, or roads in wetland or riparian sites



<b>Species</b>	<b>Habitat</b>	<b>Principal Threats</b>	<b>Examples of relevant management direction</b>
Western prairie fringed orchid	Unplowed, calcareous prairies and sedge meadows. May also be found at disturbed sites in successional communities, such as borrow pits, old fields, and roadside ditches.	Conversion to cropland Overgrazing Hay mowing Over collection	Grazing and vegetation standards and practices
Whooping crane	Marshes, lakes, ponds, rivers, and croplands provide migration habitats.	Power line collisions Loss of migration stopover habitat	Power line siting and marking standards and practices Riparian habitat standards including vegetation management, grazing, oil and gas siting, and structure siting
Gray wolf	Adaptable to a wide range of habitats. Currently occupies wilderness and adjacent areas with large ungulate populations	Illegal killing Grazing Habitat fragmentation Big game management Predator control	Grazing timing and stock type direction in wolf occupied areas Big game winter range direction Predator control standards and practices
Water howellia	Firm consolidated clay and organic sediments that occur in wetlands associated with ephemeral glacial pothole ponds and former river oxbows.	Changes in hydrology Competition from exotic plants Logging Grazing Inundation by reservoirs Road construction	Standards for grazing, logging, road building and maintenance or development in riparian areas Vegetation management practices in riparian areas including exotic species management and application of chemicals Standards and practices used in the development of reservoirs
American Burying Beetle	Riparian woodland in mixed grass prairie. Adaptable to a variety of habitats throughout geographic range.  Requires the availability of small vertebrate carcasses.	Insecticide use Disease Habitat destruction/fragmentation Increasing scavenger populations Reduced/altered small vertebrate communities	Insecticide application practices Predator control